

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

FOUR WOMEN HEALTH SERVICES, LLC,  
Plaintiff

CIVIL ACTION No: 1:24-CV-12283-JEK

vs.

ABUNDANT HOPE PREGNANCY  
RESOURCE CENTER INC., d/b/a  
ATTLEBORO WOMEN'S HEALTH  
CENTER, CATHERINE ROMAN, NICOLE  
CARGES, and DARLENE HOWARD,  
Defendants

**DEFENDANTS' MOTION TO SEAL PLEADINGS**

The Defendants hereby move to file under seal their motion for summary judgment which they intend to file upon this motion's allowance. As grounds for this motion, the Defendants assign as follows:

1. Paragraph 2 a) of the Court's Protective Order states: "For the purposes of this qualified protective order, 'Protected Health Information' shall have the same scope and definition as set forth in 45 C.F.R. Sec. 160.103 and 164.501. Protective Health Information includes, but is not limited to, patient names and/or health information, including demographic information, relating to either (a) the past, present, or future physical or mental condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual."
2. The exhibits attached to the Defendants' Motion for Summary Judgment are documents that contain the names and contact information of Jane Does #5 through #8. The documents show that these were pregnant women who were inquiring about abortions. Such information falls

within the Court's Protective Order's definition of "Protected Health Information" and it should remain confidential and should not be filed publicly.

3. Simple redaction of the women's names and contact information would not be appropriate because said redaction would reduce clarity and would prevent the Defendants from fully presenting their arguments in support of their summary judgment motion.

4. For example, matching the phone numbers of Jane Does #5 through #8 on the Defendants' phone logs with the phone numbers on the Jane Does' paperwork submitted to the Defendants goes to the very essence of their summary judgment motion.

5. Paragraph 8 of the Court's Protective Order states: "This Order does not authorize either party to seal court filings or court proceedings. Prior to the use of any Protected Health Information or Confidential Employee Information being filed publicly the filing party must inform the opposing party of its filing and permit reasonable time for a motion to seal to be submitted. The Court will make a good cause determination for filing under seal if and when the parties seek to file the protect health information of women who have been engaged by either Plaintiff or Defendants under seal."

6. In accordance with Paragraph 8 of the Court's Protective Order, the Defendants request the Court to make a good cause determination for the filing of their pleadings under seal.

7. Pursuant to Local Rule 7.2, based on the above, the documents to be sealed should be impounded until further order of this Court.

8. The Defendants' counsel has conferred with the Plaintiff's counsel before filing this motion.

WHEREFORE, the defendants respectfully request that their Motion to Seal Pleadings be ALLOWED.

The Defendants, Abundant Hope Pregnancy  
Resource Center, d/b/a Attleboro Women's Health  
Center, Catherine Roman, Nicole Carges, and  
Darlene Howard,  
By Their Attorney,

/s/ Thomas M. Harvey

Thomas M. Harvey  
Law Office of Thomas M. Harvey  
22 Mill Street, Suite 408  
Arlington, MA 02476  
Tel. 617-710-3616; Fax 781-643-1126  
tharveyesq@aol.com  
BBO#: 225050

Date: 12-9-24

**CERTIFICATE OF SERVICE**

I, Thomas M. Harvey, attorney for the Defendants, hereby certify that on December 9, 2024, I forwarded a copy of the following document:

**DEFENDANTS' MOTION TO SEAL PLEADINGS**

to the Plaintiff by E-mailing a copy of the same, to the following:

Matthew D. Patton, Esq.  
Law Office of Nicholas F. Ortiz, P.C.  
One Boston Place, Suite 2600  
Boston, MA 02108  
[mdp@mass-legal.com](mailto:mdp@mass-legal.com)

Martha Coakley, Esq.  
Emily J. Nash, Esq.  
Caroline Holliday, Esq.  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210  
[mcoakley@foleyhoag.com](mailto:mcoakley@foleyhoag.com)  
[enash@foleyhoag.com](mailto:enash@foleyhoag.com)

Brenna Rosen, Esq.  
Foley Hoag LLP  
1301 Avenue of the Americas  
New York, New York 10019  
[brosen@foleyhoag.com](mailto:brosen@foleyhoag.com)

/s/ Thomas M. Harvey

Thomas M. Harvey

**CERTIFICATION OF COUNSEL**

I, Thomas M. Harvey, hereby certify that, pursuant to Local Rule 7.1, Defendants' counsel communicated with counsel for the Plaintiff in order to narrow the issues raised by this motion.

/s/ Thomas M. Harvey  
Thomas M. Harvey